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09/684,145	10/05/2000	David Drell	1204US	2642

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2153	8

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/684,145	Applicant(s) DRELL, DAVID	
	Examiner Yasin M Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *1-7* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. The amendment filed on January 12, 2004 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 1-7 have been cancelled.
- Claims 13-22 have been added.
- Claims 8-22 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanderwilt et al USPN (6693661).

The applied reference has a common assignee (Polycom, Inc.) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention ``by another,'' or by an appropriate showing under 37 CFR 1.131.

As per claim 8, Vanderwilt et al teach a method for conducting a conference between a near conference endpoint and a plurality off remote conference endpoints connected for communication by a network, comprising the steps of (figs 1 and 3):

at the near conference endpoint:

generating local audio and video signals [col.3, lines 22-25];

receiving audio and video signals from the plurality of remote conference endpoints [col. 3, lines 15-25];

creating a plurality of processing trains for processing the received signals, each processing train uniquely corresponding to one of the plurality of remote conference endpoints [conferencing application processes remotely generated audio and video data

received from the remote conference endpoint col. 3, lines 30-37 and col. 8, lines 13-20];

processing the received audio and video signals [col. 3, lines 25-26];

combining the processed audio and video signal with the local audio and video signal [col. 3, lines 15-58 and col. 4, lines 41-55]; and

transmitting the combined audio and video signals to each of tile plurality of remote conference endpoints [col. 3, lines 26-29].

As per claim 9, Vanderwilt et al teach the method of claim 8, wherein the step of *creating a plurality of* processing trains includes creating a communication process and a set of codecs [col. 3, lines 47-55 and col. 4, lines 51-55].

As per claim 10, Vanderwilt et al teach the method of claim 8, wherein the step of combining the processed audio and video signal is performed using an audio mixer and video switching module [col. 3, lines 15-58 and col. 4, lines 41-55].

As per claim 11,Vanderwilt et al teach the method of claim 8 further comprising providing a circuit switch for instantiating, the plurality of processing trains, the circuit switch including

dynamically allocable inverse multiplexers [col. 3, lines 30-37; col. 3, lines 56-58 and col. 8, lines 13-20].

As per claim 12, Vanderwilt et al teach the method of claim 10, wherein the video switching module is selectively operable in a continuous presence mode, wherein images corresponding to each of the plurality of conference endpoints are displayed in separate areas of a composite image [col. 6, lines 59 to col. 7, line 3 and col. 8, lines 5-20].

As per claim 13, Vanderwilt et al teach a the multi-point capable video conferencing endpoint comprising:

a network interface (network interface 126) for receiving remote audio and video data from a plurality of remote endpoint through a network [col. 3, lines 15-25];

an audio interface (interface 118) for receiving local audio data from a local source [col. 3, lines 15-25 and 41-4. col. 4, lines 23-40];

a video interface for receiving local video data from a local source [col. 3, lines 15-25 and 41-4. col. 4, lines 23-40]; and

a CPU (CPU 116) programmed to control receipt of the remote audio and video data, receipt of the local audio and video data [col. 3, lines 47-55];

combination of the remote audio and video data with the local audio and video data; and

transmission of the combined audio and video data to each of the plurality, of remote endpoints through the network [Fig. 3; col. 3, lines 15-58 and col. 4, lines 41-55].

As per claim 14, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 13, wherein the CPU is further programmed to instantiate a plurality of processing trains corresponding to the plurality of remote endpoints, wherein each processing train receives the, audio and video data from a single remote endpoint [conferencing application processes locally generated audio and video data for processing remotely generated audio and video data received from the remote conference endpoint Fig. 3; col. 3, lines 15-58 and col. 4, lines 41-55].

As per claim 15, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 14, wherein each processing train comprises:

a communication process for sending and receiving the audio and video data to and from a single remote endpoint [col.3, 43-55 and [col.4, 51-55];

a video codec in communication with the communication process for encoding the sent video data and decoding the received video data [conference application 206 performs encoding/decoding col.3, 43-55 and col.4, 51-55]; and

an audio codec communication with the communication process for encoding the sent audio data and decoding the received audio data [conference application 206 performs encoding/decoding col.3, 43-55 and col.4, 51-55].

As per claim 16, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 15, further Comprising:

a video switching module in communication with each of the plurality of processing trains and the video interface for combining the local video data with the remote video data [col.3, lines 1-55]; and

an audio mixing module in communication with each of the plurality of processing trains and the audio interface for combining the local audio data with the remote audio data [col. 3, lines 1-55 and col. 4,lines 51-55].

As per claim 17,Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 13, wherein the network interface comprises a plurality of ISDN ports corresponding to the plurality of remote endpoints [col.3, 56-60].

As per claim 18, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 13,wherein the network interface comprises an Ethernet connection [col.4, 1-5].

As per claim 19, this is a means claim with similar limitations as claim 1 and 13 above. Therefore, it is rejected with the same rationale.

As per claim 20, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 19, wherein the means for receiving audio data from a local audio source and video data from local video source comprises a first means for receiving audio and a second means for receiving video data [see figs 1 and 3].

As per claim 21, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 19, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a first means for combining audio data and a second means for combining video data [memory 124 contains conference application 206 which performs encoding/decoding, error checking, multiplexing/demultiplexing, signaling and related operations regarding audio and video data streams between VCU 102 and one or more remote conference endpoints. Col. 4, lines 41-55].

As per claim 22, Vanderwilt et al teach the multi-point capable video conferencing endpoint of claim 2 1, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a

first means for combining audio data and a second means for combining video data [memory 124 contains conference application 206 which performs encoding/decoding, error checking, multiplexing/demultiplexing, signaling and related operations regarding audio and video data streams between VCU 102 and one or more remote conference endpoints. Col. 4, lines 41-55].

Conclusion

3. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle
Art Unit 2153

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100